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DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: ENVIRONMENT

# Traffic in and disposal, control and transboundary movements of toxic and dangerous products and wastes

## Report of the Secretary-General

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* A/46/50.

## I. INTRODUCTION

1. In its resolution 44/226 of 22 December 1989, entitled "Traffic in and disposal, control and transboundary movements of toxic and dangerous products and wastes", the General Assembly requested the Secretary-General to report on the following three topics: (a) traffic in toxic and dangerous products and wastes; (b) protection against products harmful to health and the environment; and (c) control of transboundary movements of hazardous wastes and their disposal. Details on the history and progress of implementation are found in the relevant sections below.

## II. TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

2. The General Assembly, by its resolution 44/226, requested the regional commissions to report to the Economic and Social Council, as from 1990, on the implementation of part I of the resolution which calls for each regional commission to contribute to the prevention of the illegal traffic in toxic and dangerous products and wastes by monitoring and making regional assessments of the illegal traffic and its environmental and health implications on a continuing basis. As requested, in 1990, the regional commissions reported for the first time to the Economic and Social Council on the status of the implementation of the resolution. They did so in the context of the Secretary-General's report on regional cooperation (E/1990/84, chap. V). As stated in the report, all the regional commissions had found that it would be very difficult to undertake any meaningful activities aimed at the implementation of the resolution from within existing resources. This unfavourable situation has continued to prevail until now and only the Economic Commission for Africa (ECA) is able to report on developments that took place since last year.

### Economic Commission for Africa

3. The Commission submitted a report on the implementation of Economic and Social Council decision E/1990/1.14-D, as a contribution to its report to the Council's second regular session of 1990. It was entitled "Interregional cooperation in the monitoring and assessment of illegal traffic in toxic and dangerous products and wastes".

4. Since the Council's 1990 session, a number of African countries have signed the African Convention on the Ban on the Importation into Africa of all Forms of Hazardous Wastes and the Control of the Transboundary Movement of such Wastes, generated in Africa. They did so during the Pan-African Conference on Environment and Sustainable Development, held at Bamako in January 1991. The African Convention has adopted the definitions of the Basel Convention and has expanded it. The Convention now bans all imports of hazardous wastes into Africa and also includes nuclear wastes.

5. ECA has included the monitoring of hazardous and toxic wastes in its regular work programme. Its secretariat is preparing guidelines on the monitoring of movements and the dumping of hazardous wastes. They will be examined by an expert group meeting before being released. A report on the status of the dumping of hazardous industrial wastes and toxic materials in Africa is also under preparation.

6. A more fully operational monitoring and assessment programme will require more resources than are now available in ECA. General Assembly resolution 44/226 cannot be fully implemented unless sufficient resources are allocated and the activity institutionalized. Regional commissions must have an operational unit within the environment section to carry out the following tasks:

(a) Collect data on the illegal traffic in hazardous wastes and toxic products, which should include the status of exports, the status of possible imports and the nature of the wastes and products, among other things;

(b) Carry out studies on the nature and possible impact of these wastes and products on human health and the environment;

(c) Develop appropriate technical guidelines for monitoring and assessing the impact of the movement of all dangerous products, including illegal traffic;

(d) Establish a network of national agencies concerned with toxic products, to be coordinated by the ECA secretariat;

(e) Assist member States in developing national policies, a legislative framework and administrative mechanisms for monitoring and controlling the movement of hazardous wastes and toxic products;

(f) Encourage the development and facilitate the transfer of technologies that will contribute to effective monitoring and assessment;

(g) Promote the exchange of information between member States, between subregions and between regions so as to effectively monitor the movement of hazardous wastes and toxic products, thus promoting concerted action against undesirable traffic.

7. The Commission will continue to carry out the monitoring and assessment exercise within the limitations of its resources, in cooperation with subregional and regional institutions and with national agencies.

## III. PROTECTION AGAINST PRODUCTS HARMFUL TO HEALTH AND THE ENVIRONMENT

8. Part II of resolution 44/226 entitled "Protection against products harmful to health and the environment" was adopted following the consideration by the Assembly of the Secretary-General's report on the subject (A/44/276-E/1989/78).

9. That report had been prepared pursuant to General Assembly resolutions 37/137, 38/149 and 39/229, as well as Economic and Social Council resolution 1986/72. These resolutions form the mandate for the production of the regular updates of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. They also address the need to keep the format of the List under continuing review, in cooperation with the relevant organizations of the United Nations system, with a view to its improvement, taking into account its complementary nature, the experiences obtained and the views expressed by Governments. Accordingly, the Secretary-General is requested to submit a report every three years to the General Assembly on products harmful to health and the environment. The next triennial report will be considered by the Council in 1992 and the Assembly at its forty-seventh session.

10. The current resolution requests the Secretary-General to cover in his review ways and means of providing technical cooperation, including through appropriated United Nations organizations, to countries, in particular developing countries, to create and strengthen their capacity to utilize the List. In addition, he is to study all the pending issues, such as sustainable alternatives to banned and severely restricted and unregistered pesticides, with a focus on improving the usefulness of the List.

11. The Secretary-General is further requested to ensure, within existing resources, the publication of the List in English, French and Spanish, in accordance with demand, bearing in mind General Assembly resolution 39/229. He is to undertake a special effort to ensure a wider dissemination and utilization of the List, involving non-governmental organizations in this process.

12. The fourth issue of the List, which contains information on restrictive regulatory measures taken by 92 Governments on over 600 products, will be published in 1991 in English, with Spanish and French translations being published shortly thereafter. The List will be disseminated to all Member States and widely promoted as a sales document.

13. The United Nations Secretariat, which publishes the List, works closely with a number of non-governmental organizations in order to ensure the widest possible dissemination of the List. Indeed, many of these organizations, including the International Organization of Consumers Unions, Pesticides Action Network, Greenpeace, and many national non-governmental organizations, are active not only in publicizing the List to their members, but in using it in lobbying for appropriate legislation to be adopted by individual Governments.

14. With regard to the requests contained in paragraph 8 of the resolution, the United Nations Secretariat will be holding consultations in 1991 with the various agencies and organizations of the United Nations system whose work has a bearing on the List, with a view to providing the information requested in the next triennial review.

## IV. CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

15. In resolution 44/226, section III, the General Assembly: (a) requested the Executive Director of the United Nations Environment Programme (UNEP), in accordance with the resolutions adopted at the Basel Conference, to establish, on the basis of equitable geographical representation and in consultation with Governments, an ad hoc working group of legal and technical experts to develop, as early as practicable, elements that might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and to report to the preparatory committee of the United Nations Conference on Environment and Development and to the Governing Council of UNEP, in accordance with its mandate in this regard; (b) invited the Executive Director of UNEP and the Secretary General of the International Maritime Organization (IMO), in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the disposal of hazardous wastes at sea, in order to harmonize the provisions of the relevant conventions as adopted in this regard; (c) requested the Secretary-General, in cooperation with the Executive Director of UNEP, to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the progress achieved in the implementation of the provisions of the Basel Convention.

### A. The work of an ad hoc working group of legal and technical experts to develop elements which might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes

16. The Basel Convention, in its article 12 on consultations on liability, states that the Parties shall cooperate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

17. The Basel Conference, in its resolution 3 entitled "Liability", adopted on 22 March 1989, requested the Executive Director of UNEP to:

(a) Establish, pending a decision by the Parties at their first meeting on how to implement article 12 of the Convention, an ad hoc working group of legal and technical experts to develop elements which might be included in a

protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes;

(b) Report on the results of this group's work to the first meeting of the Parties.

18. By its resolution 44/226, part III, paragraph 2, the General Assembly also requested the Executive Director of UNEP, in accordance with the resolutions adopted at the Basel Conference, to establish, on the basis of equitable geographical representation and in consultation with Governments, an ad hoc working group of legal and technical experts to develop, as early as practicable, elements which might be included in the protocol.

19. The Executive Director of UNEP duly convened the Ad Hoc Working Group of Legal and Technical Experts. It held two sessions: the first in Geneva from 2 to 6 July 1990 and the second in Nairobi from 6 to 9 March 1991. Experts from 61 countries (including 38 developing countries), chosen on the basis of equitable geographical representation, attended the sessions.

20. The Working Group had before it a working document containing an outline prepared by the UNEP secretariat following an informal consultative meeting convened by the Executive Director in Geneva from 30 April to 2 May 1990. During these two sessions, the Working Group was able to complete its work by agreeing on the elements which might be included in the protocol.

21. The elements agreed by the Working Group are as follows:

Introduction

I. Purpose of the liability protocol

II. Scope of application

III. Definitions

Part one: Civil liability and compensation

IV. Channelling of liability

V. Exoneration from liability

VI. Financial limits of liability

VII. Time-limit of liability

VIII. Insurance and other financial guarantees

Part two: International liability and compensation

IX. Need for a comprehensive international liability regime with or without elements of State liability

X. Fund(s)

Part three: Procedures

XI. Claims procedure

XII. Jurisdiction of domestic courts

XIII. Applicable law

XIV. Mutual recognition and enforcement of judgements

XV. Relationship of the protocol to other bilateral, multilateral and regional agreements

XVI. Date of application

22. These elements should provide for a comprehensive regime which will ensure adequate and prompt compensation from damage from the transboundary movement and disposal of hazardous wastes and other wastes, and encourage the protection of human health and the environment.

23. On 9 March 1991, the Executive Director received a letter from the Chairman of the Working Group informing him that the Group recommended that the elements of the protocol should be submitted to the Conference of the Parties to the Basel Convention at its first meeting.

## B. Progress in the review of existing rules, regulations and practices with respect to the disposal of hazardous wastes at sea

24. In resolution 2 on the relationship between the Basel Convention and the London Dumping Convention, adopted on 21 March 1989, the Basel Conference:

(a) Invited the Executive Director of UNEP to bring to the attention of the Parties to the London Dumping Convention through the Secretary-General of the International Maritime Organization (IMO) the need for a review of the existing rules, regulations and practices with respect to the dumping of hazardous and other wastes at sea in the light of the Basel Convention with a view to recommending any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent the dumping of hazardous and other waste at sea;

(b) Invited the Executive Director of UNDP to report on the results of the review and recommendations above to the Conference of the Parties to the Basel Convention at its first meeting.

25. Also, in its resolution 7 on cooperation between IMO and UNEP in the review of existing rules, regulations and practices with respect to transport of hazardous wastes by sea, the Basel Conference:

(a) Invited the Executive Director of UNEP and the Secretary-General of IMO in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the transport of hazardous wastes by sea in the light of the Basel Convention with a view to recommending any additional measures needed, including information, documentation and other precautionary measures, in order to assist coastal States, flag States, and port States in fulfilling their responsibilities with respect to the protection and preservation of the marine environment;

(b) Invited the Executive Director of UNEP to report on the results of the review and recommendations referred to in subparagraph (a) above to the Conference of the Contracting Parties to the Basel Convention at its first meeting.

26. The General Assembly, in its resolution 44/226, section III, paragraph 3, invited the Executive Director of UNEP and the Secretary-General of IMO, in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the disposal of hazardous wastes at sea, in order to harmonize the provisions of the relevant conventions as adopted in this regard.

27. Apart from the Basel Convention, there are several international legal instruments, both binding and recommendatory, relevant to the transport of hazardous wastes by sea. IMO acts as a secretariat for the following international legal instruments:

(a) The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention, 1972);

(b) The International Convention for the Prevention of Pollution from Ships, as amended (MARPOL Convention, 1973);

(c) The International Convention for the Safety of Life at Sea (SOLAS Convention, 1974);

(d) The International Maritime Dangerous Goods Code (IMDG Code);

(e) The Code of Safe Practice for Solid Bulk Cargoes (SB Code).

28. Although such codes are not internationally enforceable, they nevertheless have an impact upon the practices of member States of IMO,

because many of them incorporated the codes (or part of them) into their national regulatory system. In order to avoid any possible inconsistencies and overlaps between the Basel Convention and these legal instruments, steps should be taken to harmonize the provisions in question.

29. At its sixteenth session held in October 1989 the IMO Assembly discussed the relationship between the Basel Convention and the conventions concluded under the auspices of IMO. It adopted resolution A.676(16) which requested the IMO Maritime Environment Protection Committee and the IMO Maritime Safety Committee to review existing rules and practices governing the transport of hazardous wastes at sea. Both Committees will recommend any additional measures needed in order to help States to fulfil their responsibilities in this field. They have been requested to report their findings to the IMO Assembly at its next session in 1991.

30. The Interim Secretariat of the Basel Convention has been cooperating with the IMO Subcommittee on the Carriage of Dangerous Goods (CDG) which is amending the IMDG Code in order to ensure that the prior informed consent procedure as set forth in the Basel Convention is adequately reflected in the IMDG Code.

31. In addition to its collaboration with IMO, the Interim Secretariat made a suggestion at the sixteenth session of the United Nations Committee of Experts on the Transport of Dangerous Goods in December 1990 that informal inter-agency consultations should be held to discuss, inter alia, the international classification of hazardous wastes subject to transboundary movements. The purpose of this suggestion is to harmonize the criteria governing the transport of dangerous goods with the list of hazardous characteristics of the wastes subject to the Basel Convention. The Interim Secretariat and the UN/ECE Transport Division held a first meeting in March 1991.

32. With regard to the relationship between the Basel Convention and the London Cumping Convention, UNEP has been cooperating with the secretariat of the London Dumping Convention in order to implement resolution 2 of the Basel Conference as early as possible.

33. UNEP undertook a study on the relationship between the two Conventions. On the basis of this study, IMO, which is responsible for the administration of the London Dumping Convention (LDC), presented a report to the twelfth Consultative Meeting of the Contracting Parties, held in London from 30 October to 3 November 1989. At the meeting, UNEP made a brief presentation on the Basel Convention. The meeting decided that the report of the LDC secretariat should form the basis for a further review to be carried out by the Contracting Parties. They were invited to submit their comments and proposals concerning this report. Only two replies were received from Governments by 31 August 1990.

34. The Ad Hoc Group of Legal Experts on Dumping and the thirteenth Consultative Meeting of the Contracting Parties met in London from 22 October to 2 November 1990. In the course of discussion the following comments were made:

(a) The Basel Convention, which is concerned specifically with the transboundary movements of hazardous wastes, contains provisions for dumping at sea in transboundary movements. In this regard, the provisions of the Basel Convention overlap with those of the LDC.

(b) The LDC does not contain any provisions related to requirements for transboundary movements of wastes and other matters. However, resolution LDC.29(10) on export of wastes for disposal at sea, adopted by the Tenth Consultative Meeting of the Contracting Parties to the LDC, called on Contracting Parties exporting wastes for sea disposal to provide advance notification of any intended movement of such wastes to the receiving country and any other country and to obtain the prior consent of the appropriate national authorities in any country receiving wastes and issuing required permit for sea disposal. Such requirements have not yet been developed in the framework of the LDC.

(c) The applicability of article 30 of the Vienna Convention on the Law of the Treaties (application of successive treaties relating to the same subject-matter) to the relationship between the Basel Convention and the LDC and the compatibility of the two Conventions were questioned.

(d) In view of the differences between the two Conventions, they should be studied in greater detail. Such a study, which should be conducted jointly by the LDC secretariat and the Interim Committee, would involve a compilation and comparison of existing requirements under the respective convention.

35. The Ad Hoc Group of Legal Experts on Dumping submitted a draft resolution to the thirteenth Consultative Meeting of the Contracting Parties which they adopted. In the resolution, the thirteenth Consultative Meeting recommends that, for the dumping at sea of weastes by the Contracting Parties, standards compatible to those imposed by the Basel Convention should be developed. The Ad Hoc Working Group of Legal Experts on Dumping was requested by the Consultative Meeting to further elaborate such standards and to report to the fourteenth Consultative Meeting of the Contracting Parties to be held in November 1991. The Contracting Parties were invited, after the conclusion of the work of the Ad Hoc Group of Legal Experts on Dumping, to consider including the agreed future standards in an amendment of or annex to the LDC.

### C. Progress in the implementation of the resolutions of the Basel Conference

36. The Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes (Basel Conference), which was convened by the Executive Director of the United Nations Environment

Programme (UNEP) pursuant to decision 14/30 of the Governing Council of UNEP on 17 June 1987, met in Basel, Switzerland from 20 to 22 March 1989 and adopted the Basel Convention together with eight substantive resolutions (see UNEP/1980/3).

37. By the end of April 1991, 53 countries had signed the Basel Convention and 10 had ratified, approved or acceded to it. In accordance with article 25, paragraph 1 of the Convention, it enters into force on the ninetieth day after the date of deposit of the twentieth instrument of ratifications, acceptance, formal confirmation, approval or accession. The first meeting of the Conference of the Parties, pursuant to article 15, paragraph 1 of the Convention, will be convened by the Executive Director of UNEP not later than one year after its entry into force.

38. In article 16, paragraph 2, the Basel Convention states that "the secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the parties held pursuant to article 15". The Basel Conference, by its resolution 6, requested the Executive Director of UNEP to take steps necessary for the Interim Secretariat to start work as soon as possible after the adoption of the Convention. The Interim Secretariat for the Basel Convention (ISBC) was established with UNEP in November 1989.

39. While the Basel Convention has not entered into force as at the end of April 1991, UNEP, through the ISBC and other UNEP offices concerned, has been working on the implementation of the resolutions of the Basel Conference in order to facilitate the implementation of the provisions of the Convention after it enters into force.

## Resolution 1

### Establishment of an ad hoc working group for the implementation of the Basel Convention

40. In resolution 1 the Basel Conference invited the Executive Director of UNEP to set up an ad hoc working group of legal and technical experts to consider the necessity of establishing mechanisms for the implementation of the Basel Convention, as provided for in article 15, paragraph 5.

41. In order to implement this resolution, the Executive Director of UNEP sent in December 1990 a letter to all States requesting them to provide him with their views and proposals on this subject in order to enable him to put forward proposals to an ad hoc working group of experts which would be convened in the future. The Interim Secretariat has received 15 replies from Governments as at the end of April 1991. A report will be prepared on the basis of replies from Governments in due course.

Resolution 2

Relationship between the Basel Convention and the London Dumping Convention

42. See section B (para. 24).

Resolution 3

Liability

43. See section A (para. 17).

Resolution 4

Responsibility of States for the implementation of the Basel Convention

44. In accordance with paragraph 5 of resolution 4, the Executive Director of UNEP has forwarded the resolution to the Secretary-General of the United Nations and has circulated it to all States and economic integration organizations. In April 1990 he sent a letter to all States requesting them to urgently implement this resolution and inform UNEP of the steps taken in this regard. By the end of March 1991, only six States have provided UNEP with the details of the steps taken or intended to be taken by the respective Governments. UNEP sent a reminder to Governments in April 1991. The Interim Secretariat is preparing a report on the steps taken by States and economic integration organizations to ensure the entry into force of the Convention and its future implementation. This report will be prepared on the basis of the information from States and organizations and will be presented to the first meeting of the Conference of the Parties.

45. In order to accelerate the entry into force of the Convention:

(a) The Executive Director has sent many letters to the Ministers of Governments concerned;

(b) Brochures on the Basel Convention and its provisions have been widely distributed;

(c) The representatives of the Executive Director visited several countries to discuss matters related to the Basel Convention;

(d) The Interim Secretariat:

(i) Has attended many seminars to highlight the importance of the Convention;

(ii) Has contacted Governments on a regular basis and has encouraged experts and government officials to visit it in order to familiarize them with the activities related to the implementation of the Basel Convention.

## Resolution 5

### Harmonization of procedures of the Basel Convention and the Code of Practice for International Transactions involving Nuclear Wastes

46. As reqested by the the Conference the Executive Director of UNEP brought this resolution to the attention of the Governing Board and the Director-General of the International Atomic Energy Agency (IAEA).

47. The Interim Secretariat participated in the working group meetings convened to elaborate the Code of Practice for International Transactions involving Nuclear Wastes. Their mandate was to ensure that the provisions of the Basel Convention were fully taken into account in the Code.

48. The General Conference of the IAEA adopted the Code at its thirty-fourth regular session (resolution GC(XXXV)/Res/530(1990). The Code affirms the general principles of the Basel Convention, namely, the sovereign right of every State to prohibit the movement of wastes into, from or through its territory. The Code requires that transboundary movements of radioactive waste should only take place in accordance with internationally accepted safety standards, with prior notification and consent of the exporting, importing and transit States. The Code also provides that all States concerned should have the administrative and technical capacity as well as the regulatory structure required to manage and dispose of radioactive waste in a manner consistent with international safety standards.

49. The IAEA General Conference further decided that it would be desirable to conclude a legally binding instrument on this subject under the auspices of the IAEA.

50. The Executive Director of UNEP sent a letter to the Director-General of IAEA in which he stated that resolution 5 of the Basel Conference had been fully implemented by the adoption of the IAEA Code of Practice.

## Resolution 6

### Institutional and financial arrangements

51. In response to resolution 6, the Interim Secretariat has been active since November 1989. While its main task at present is to implement the resolutions adopted by the Basel Conference, it has been able to take on other activities, including the follow-up of meetings organized by the United

Nations agencies dealing with hazardous wastes and the drafting of model national legislation, for distribution to countries on their request, on the control of transboundary movements of hazardous wastes and other wastes and their disposal.

52. The Executive Director has sent several letters and reminders to Governments requesting voluntary contributions for the activities of the Interim Secretariat including meetings.

53. Actual expenditure for the activities of the Interim Secretariat from 1989-1990 was $770,000: $400,000 from Governments and $370,000 from the Environment Fund of UNEP.

54. In order to implement the resolutions of the Basel Conference, the Interim Secretariat urgently needs contributions by Governments.

## Resolution 7

### Cooperation between IMO and UNEP in the review of existing rules, regulations and practices with respect to transport of hazardous wastes by sea

55. See section B (para. 25).

## Resolution 8

### Establishment of a technical working group to elaborate technical guidelines for the environmentally sound management of wastes subject to the Basel Convention

56. In resolution 8 the Basel Conference called upon the Executive Director of UNEP to establish a Technical Working Group to prepare draft technical guidelines (including costs of the various disposal operations), for the environmentally sound management of wastes subject to this Convention for consideration by the Parties at their first meeting, and eventual adoption.

57. A UNEP consultant drafted a report containing technical guidelines on the subject in 1990. This report is being reviewed by officials of the UNEP International Register of Potentially Toxic Chemicals, the UNEP Industry and Environment Office and the Interim Secretariat. Together with other documentation related to the environmentally sound management of hazardous wastes, it will be considered by an informal small expert meeting to be held in due course. It will then be sent to Governments for their comments before a meeting of experts is convened to consider it.

58. In article 9 the Basel Convention deals specifically with the issue of illegal traffic and provides a definition for it.

59. When the Basel Convention enters into force, the Contracting Parties will use its provisions to improve the control of illegal movements of wastes covered by the Convention. In their annual reporting, the Contracting Parties will also be requested to provide more detailed insight into such matters as the transboundary movements of hazardous wastes and other wastes, including amounts exported, imported, disposed of, etc. Such reports will allow the secretariat of the Basel Convention to monitor more closely international movements of wastes covered by the Convention.

60. With regard to illegal traffic in toxic and dangerous products, both the UNEP London Guidelines on the Exchange of Information on Chemicals in International Trade, as amended in 1989, and the FAO International Code of Conduct on the Distribution and Use of Pesticides, although non-binding instruments, contain provisions which provide a measure of control over illegal trade in certain types of chemical products, including pesticides. These instruments clearly stipulate the duties of Governments in relation to exchange of information on chemicals in international trade. Furthermore, for chemicals banned or severely restricted for health or environmental reasons, both instruments include the principle of prior informed consent. This means that international shipment of a chemical that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement, where such agreement exists, or contrary to the decision, of the designated national authority in the importing country. The prior informed consent procedure, which will soon be initiated jointly by FAO and UNEP, is a procedure for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of chemicals which have been banned or severely restricted. National authorities in importing countries are expected to take appropriate import control actions, while the authorities of exporting countries are expected to implement appropriate procedures designated to ensure that exports do not conflict with the decisions regarding prior informed consent of participating importing countries. Over 90 Governments have already designated national authorities for this procedure. It is hoped that through active participation of all Governments and industry it will be possible to significantly reduce, if not eliminate, illegal traffic in banned and severely restricted chemicals.

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